

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

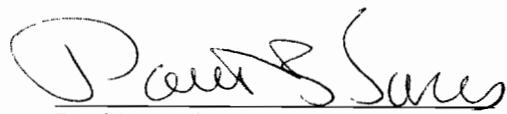
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	)	MDL NO. 1456
	)	Civil Action No. 01-12257-PBS
	)	Subcategory No.: 03-10643-PBS
THIS DOCUMENT RELATES TO:	)	
<i>The City of New York, et al. v. Abbott Laboratories, Inc., et al.</i>	)	Judge Patti B. Saris
	)	
	)	

**[PROPOSED] ORDER OF DISMISSAL  
AS TO CLAIMS AGAINST DEY**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the plaintiffs the Consolidated New York Counties (the “Plaintiffs”) and defendants Dey Pharma, L.P. (formerly known as “Dey, L.P.”) and Dey, Inc. (collectively, “Dey”) have filed a Stipulation of Dismissal as to the claims asserted by Plaintiffs against Dey in the consolidated action entitled *In re Pharmaceutical Industry Average Wholesale Price Litigation: The City of New York, et al. v. Abbott Laboratories, Inc., et al.* (MDL No. 01-CV-12257-PBS, Subcategory No. 03-10643) (the “Litigation”). Upon due consideration of the Stipulation and the papers on file in this action,

**IT IS HEREBY ORDERED** that, consistent with the terms of the February 23, 2010 Settlement Agreement and Release (the "Settlement Agreement") between the Consolidated New York Counties, New York State and Dey, all claims asserted on behalf of the Plaintiffs and/or its various agencies, departments and instrumentalities against Dey concerning the Covered Conduct as defined in Paragraph 3 of the Settlement Agreement shall be dismissed with prejudice, each party shall bear its own costs except as otherwise provided for in the Settlement Agreement, and all rights of appeal shall be waived.

Entered this 14 day of July, 2010.



Patti B. Saris, J.  
United States District Court